

CIVIL DOCKET
UNITED STATES DISTRICT COURT

BARROW
Jury demand date:

73-C-289

D. C. Form No. 106A Rev.

| TITLE OF CASE | ATTORNEYS |
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| <p>NOEL LEE HILL and BOB L. VINZANT, Minors, by Sophia I. Cunningham, their mother and next friend; ROBERT BRUCE JONES, a Minor, by Charles F. Jones, his father and next friend; TIMOTHY FORBES, a Minor, by G.E. Forbes and Beverly Forbes, his parents and next friends; KILLY LEE WALLS, a Minor, by Mr. and Mrs. Kelsey O. Walls, his parents and next friends; JAY DALE PHELPS, a Minor, by Jess L. Phelps, his father and next friend; CAROL ANN HOLLAND, a Minor, by Mrs. James Holland, her mother and next friend; MIKE HICKEY, a Minor, by Mrs. Bonnie Hickey, his mother and next friend; RONALD E. PARISH, Jr., a Minor, by Ronald E. Parish and Evelyn Parish, his parents and next friends; JAMES GRANT BARNECK, a Minor, by Mrs. Richard Barneck, his mother and next friend; RONALD W. MCKINZIE, a Minor, by Georgia L. McKinzie, his mother and next friend; SCOTT ERICK TATE, a Minor, by A.C. Robertson, his parent and next friend; WILBURN COX, JR., a Minor, by Wilburn Cox and Cathy Cox, his parents and next friends; DEAN COOK, a Minor, by Mae K. Cook, his mother and next friend; DANNY WILLIAMS, a Minor, by Dennis Sweet and Mert Sweet, his parents and next friends, RANDLE DEAN SWARER, a Minor, by Mary Swarer, his Mother and next friend; JONNIE CLEVELAND, a Minor, by Marie Cleveland, her Guardian and next Friend.</p> | <p>For plaintiff: Robert Lee Blackwood 1311 S. Guthrie Tulsa, Okla. 74119 584-2861</p> <p>For defendant: Bill R. Scarth 212 S. Missouri Claremore (Tulsa No. 266-2681) (Home 341-4620 - Claremore)</p> |

vs

CATOOSA BOARD OF EDUCATION, INDEPENDENT SCHOOL

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| STATISTICAL RECORD | COSTS | DATE | NAME OR RECEIPT NO. | REC. | DISB. |
|----------------------------------|--------------|---------|-----------------------------|-------|-------|
| J.S. 5 mailed 9-1-73 | Clerk | 8-30-73 | 8/29/73 Blackwood C.E.No. 5 | 15.00 | 15 00 |
| J.S. 6 mailed 11-1-73 | Marshal | 10-4-73 | Blackwood C.D.No.12 | 5.00 | 5 00 |
| Basis of Action: Civil Rights | Docket fee | | | | |
| | Witness fees | | | | |
| Action arose at: | Depositions | | | | |

| DATE | PROCEEDINGS | Date Order or Judgment Noted |
|----------|--|------------------------------|
| 8-29-73 | Complaint filed, summons issued. jj | |
| 8-29-73 | Affidavit, filed. jj | |
| 8-29-73 | Mtn. for Temp. Restraining Order, filed. jj | |
| 8-29-73 | Memo. Brief in Support of Pltfs. Verified Complaint, filed. jj | |
| 8-30-73 | Ordered by the Court that this case is set for Hearing on Temporary Restraining Order this date at 3:30 P.M. (AEB-J)v | |
| 8-30-73 | U.S. Marshals service returned and filed. Summons served upon Mr. Watie V. Twist, Owen G. Garrison, Wayne Marler, James Cantrell, 8-30-73 at Catoosa, Okla.; Harold Brantley and Harold Statum, 8-30-73 at Tulsa, Okla.; and, Bill R. Scarth, 8-30-73 at Tulsa, Okla. (USM \$30.72)jj | |
| 8-30-73 | Hearing held on temporary restraining order. Parties present and represented. Ct. directs points of issue he wants parties to present testimony on. Statement made by pltf. w/testimony of witnesses. Def. makes statement. Ct. stays issuance of tro & directs defs. to allow pltfs. to return to school pending plts.' appeal to School Board on Sept. 4, and pending Ct's ruling at hearing on prel. inj. & trial on merits set for <u>9/5/73</u> at 10 am., and further directs defs. to assure and guarantee the court they will not fail students pending appeals and hearing. (AEB-J)rm | |
| 9-5-73 | Case called for hearing on prel. inj. & trial on merits. Parties present and represented. Statements made. Court orders that case is dismissed for failure to state a claim on relief which can be granted. Defendants directed to prepare order dismissing complaint with conclusions of law within 10 days. (AEB-J)h | |
| 9-14-73 | Defts' motion for extension of time to submit formal order, filed. hm | |
| 9-17-73 | Order granting defts. 10 days from 9-15-73 to submit order with reference to Court's ruling of 9-5-73, filed. (AEB-J)g | |
| 10-2-73 | Order, filed & entered, that cause of action & complaint is hereby dismissed for failure to state or support a claim upon which relief can be granted. (AEB-J)r (Copies Mailed) | |
| 10-4-73 | Notice of appeal by pltf. Wilburn Cox, Jr., a minor, by Wilburn Cox and Cathy Cox, his parents and next friends, filed. rm (copies to USCA and counsel) | |
| 10-4-73 | Bond for costs on appeal (\$250 surety), filed. rm | |
| 10-2-73 | Appl. to appear as Amicus Curiae, filed by Okla. Civil Liberties Union, filed. v -order delivered to J. by the atty. <i>(Per me. appl. not applicable in this Ct. They must go to 10th Cir.) rm</i> | |
| 11-13-73 | Order extending time to docket appeal to 11-30-73, filed. (AEB-J)g cpy to USCA & counsel. | |
| 11-26-73 | Transcript of proceedings had on 8/30/73 hearing on motion for TRO, filed. rm (Larry E. Marks - CR) | |
| 11-26-73 | Transcript of proceedings had on 9/5/73 hearing on merits and preliminary injunction, filed. rm (Larry E. Marks - CR) | |
| 11-30-73 | Appeal record (3 volumes) to USCA. rm | |
| 1-25-74 | Appeal record (3 volumes) reced. from USCA. rm | |
| 1-28-74 | Mandate & opinion of USCA affirming judg. of 10/4/73, filed & spread of record.rm | |

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Defendants
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CATOOSA BOARD OF EDUCATION, INDEPENDENT SCHOOL
DISTRICT I-2, OF THE STATE OF OKLAHOMA, and
HAROLD BRANTLEY, in his capacity as President
of the Board; HAROLD STATUM, in his capacity
as a member of the Board; JAMES CANTRELL, in
his capacity as a member of the Board; OWEN
GARRISON, in his capacity as a member of the
Board; WAYNE MARLER, in his capacity as a
member of the Board; and WATIE V. TWIST, in
his capacity as a Superintendent of Schools
for the Catoosa Board of Education

